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8 Attorneys for Plaintiff  
 9 CHURCH OF SCIENTOLOGY INTERNATIONAL

**RECEIVED**  
**NOV 15 1994**  
**HUB LAW OFFICES**

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 11 FOR THE COUNTY OF MARIN

12		) LASC No. BC 052395
13	CHURCH OF SCIENTOLOGY	)
14	INTERNATIONAL, A California not-	) [Former Marin County No.
15	for-profit religious corporation;	) 152229, new Marin County
16		) No. not yet assigned]
17	Plaintiff,	)
18	v.	) PLAINTIFF'S EX PARTE
19		) APPLICATION TO HAVE
20	GERALD ARMSTRONG, et al.,	) TRANSFERRED FILE DEEMED
21		) COMPLETE AND ACCEPTED BY
22	Defendants.	) THE CLERK OF THE COURT;
23		) REQUEST FOR SANCTIONS
		) AGAINST DEFENDANT GERALD
		) ARMSTRONG AND HIS COUNSEL,
		) FORD GREENE
		)
		) Date: November 15, 1994
		) Time: 9:30 a.m.
		) Dept: 1
		)
		) NO TRIAL DATE

24 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

25 PLEASE TAKE NOTICE that on November 15, 1994 at 9:30 a.m.  
 26 as soon thereafter as may be heard, in Department 1 of the above  
 27 entitled Court located at Hall of Justice, 3501 Civic Center  
 28 Drive, San Rafael, California, plaintiff Church of Scientology,



1 International will move this Court for an Order (1) that the file  
2 in the above-entitled matter, recently transferred to this Court  
3 by the Los Angeles County Superior Court, be deemed complete and  
4 accepted by the clerk of this Court and (2) that defendant and  
5 his counsel pay to plaintiffs \$400 in sanctions pursuant to  
6 C.C.P. §128.5. As grounds for the motion, plaintiff states that,  
7 at the request of the Marin County clerk, and at its own expense,  
8 plaintiff sent a paralegal to Marin County to assist in ordering  
9 the file, which was received from Los Angeles in a highly  
10 disorganized state. Defendant's counsel agreed, by stipulation,  
11 that he would have the file reviewed promptly once plaintiff's  
12 counsel's paralegal had organized the file, so that the Clerk  
13 could accept the file for processing, and to work with  
14 plaintiff's counsel to ensure that the file was promptly deemed  
15 complete. Despite many requests by plaintiff's counsel and the  
16 clerk, defendant's counsel failed to review the file until  
17 November 7, 1994. At that time, he sent plaintiff's counsel a  
18 letter claiming that the file was incomplete, and identifying  
19 documents such as reporter's transcripts which were never a part  
20 of the Los Angeles file, as the "missing documents." Plaintiff  
21 counsel has agreed to supply the Marin Court with every document  
22 defendant claims should be part of the file, even those that are  
23 clearly improper. Nonetheless, defendant still refuses to  
24 stipulate that the file is complete, because the file of a second  
25 case, Los Angeles Superior Court No. BC 084642, has not yet  
26 arrived in Marin. The delay deliberately caused by defendant is  
27 inexcusable, and has forced plaintiff to the expense of bringing  
28 this motion.

1           This Application is based on this Application, the  
 2 accompanying memorandum of points and authorities, the  
 3 declaration of Laurie J. Bartilson, the records and files herein  
 4 and such other and further evidence as properly may be adduced at  
 5 the hearing of this Application.

6 Dated: November 15, 1994

Respectfully submitted,

Laurie J. Bartilson  
 BOWLES & MOXON

Michael Lee Hertzberg  
 WILSON, RYAN & CAMPILONGO

By: Linda Fong

Attorneys for Plaintiff,  
 CHURCH OF SCIENTOLOGY  
 INTERNATIONAL

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8  
 9 Attorneys for Plaintiff  
 CHURCH OF SCIENTOLOGY INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 11 FOR THE COUNTY OF MARIN

13	CHURCH OF SCIENTOLOGY	)	LASC No. BC 052395
14	INTERNATIONAL, A California not-	)	
14	for-profit religious corporation;	)	[Former Marin County No.
15		)	152229, new Marin County
16		)	No. not yet assigned]
16		)	MEMORANDUM OF POINTS AND
17	Plaintiff,	)	AUTHORITIES IN SUPPORT OF
18		)	PLAINTIFF'S EX PARTE
19	v.	)	APPLICATION TO HAVE
20		)	TRANSFERRED FILE DEEMED
21	GERALD ARMSTRONG; et al.,	)	COMPLETE AND ACCEPTED BY
22		)	THE CLERK OF THE COURT;
23		)	REQUEST FOR SANCTIONS
24		)	AGAINST DEFENDANT GERALD
25		)	ARMSTRONG AND HIS COUNSEL,
26		)	FORD GREENE
27		)	Date: November 15, 1994
28	Defendants.	)	Time: 9:30 a.m.
		)	Dept: 1
		)	NO TRIAL DATE



INTRODUCTION

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Plaintiff, Church of Scientology International ("the Church") seeks with this application to end the delaying tactics of defendant Gerald Armstrong and his counsel in connection with the routine transfer of the file of this action from Los Angeles to Marin County. The file was ordered transferred to Marin on September 1, 1994; defendant and his counsel have succeeded in keeping the case from this Court (and pending dispositive motions resolved) for more than two months. The file is now here; thanks to the efforts of plaintiff's counsel's paralegal, it is organized and ready for the clerk to proceed. Defendant, however, has failed and refused to cooperate with plaintiff in providing the Court with the few documents which will make the file complete. Plaintiff therefore requests that this Court issue an order that, upon the filing by plaintiff of the six documents defendant claims are missing from the file, the file be deemed complete, and the clerk assign a number to the new case consistent with its status as a case already consolidated into Case No. 157680, Church of Scientology International v. Gerald Armstrong, et al., and that plaintiff be awarded its costs of making this motion.

**ARMSTRONG AND HIS COUNSEL HAVE UNREASONABLY DELAYED**

**ACCEPTANCE BY THIS COURT OF THE LOS ANGELES FILE**

The file in this action was ordered transferred from Los Angeles to Marin County on September 1, 1994 [Declaration of Laurie J. Bartilson, Ex. A]. On September 28, 1994, the Clerk of the Los Angeles Superior Court notified the parties that the file had been transmitted to Marin [Id., Ex. B]. On or about October



1 12, 1994, plaintiff's counsel, Laurie Bartilson, learned that the  
2 file had been received by the Marin Superior Court Clerk's  
3 office, but that the file had arrived in such a disorganized  
4 state that the Clerk intended to send it back to Los Angeles.  
5 Recognizing the difficulties inherent in organizing a large file,  
6 Ms. Bartilson offered to provide the Marin County clerk's office  
7 with paralegal services to organize the file, at plaintiff's  
8 expense [*Id.*, ¶ 4].

9 Betty Posey, the Marin County clerk in charge of the file,  
10 indicated that plaintiff's offered help would be accepted,  
11 provided that defendant's counsel would agree. She recommended  
12 that paralegals from both sides participate in the activity of  
13 organizing the file so as to ensure that no charges of  
14 partisanship erupted. [*Id.*, ¶ 5.] For more than a week, Ms.  
15 Bartilson sought to obtain a stipulation from defendant's counsel  
16 that would permit the file to remain in Marin County, rather than  
17 suffer the delay that a transmittal back to Los Angeles would  
18 necessarily entail. Finally, on October 21, 1994, defendant's  
19 counsel agreed to a stipulation which provided that plaintiff's  
20 counsel would send a paralegal to the Marin County clerk's office  
21 to organize the file, and that, when such organization was  
22 complete, defendant would promptly send someone from his office  
23 to review the file, so that the clerk would be assured that both  
24 sides had participated in the organization process. [*Id.*, ¶ 6  
25 and Ex. C thereto.]

26 In coordination with the Ms. Posey, Ms. Bartilson sent a  
27 paralegal to Marin County on October 25, 1994. He worked with  
28 Marin County clerk personnel to organize the files on October 25,



1 and completed the task on October 26, 1994. [Id., § 7.]  
2 Plaintiff's counsel promptly notified Armstrong's counsel, Mr.  
3 Greene, who stated that he would send someone to review the file  
4 on October 27 or 28. [Id., § 8.]

5 On October 31, 1994, Ms. Bartilson checked with Ms. Posey,  
6 and discovered that no one had come from Mr. Greene's office to  
7 check the file, although Ms. Posey had also called Mr. Greene and  
8 requested that he send someone. Ms. Bartilson spoke to Mr.  
9 Greene again on October 31, and Mr. Greene stated that he  
10 intended to send defendant Armstrong, who is Mr. Greene's  
11 employee, to review the file on Tuesday, November 1. [Id., § 9.]

12 On November 2, 1994, Ms. Bartilson again called for Mr.  
13 Greene, and spoke to Armstrong, who answers Mr. Greene's  
14 telephone. Armstrong stated that he still had not reviewed the  
15 file, and that he was not aware that Mr. Greene had agreed to  
16 send him to review the file on November 1. [Id., § 10.] Ms.  
17 Bartilson sent a letter to Mr. Greene, requesting that he comply  
18 with the stipulation. [Id., Ex. D.] Mr. Greene did not respond  
19 until late on November 3, when he sent a letter indicating that  
20 Armstrong was "busy" and calling Ms. Bartilson's letter "rude."  
21 [Id., Ex. E.] Armstrong did not review the file until November  
22 7, 1994. [Id., § 12.]

23 On November 7, 1994, Mr. Greene sent Ms. Bartilson a letter  
24 which listed thirteen "flaws" he claimed to have found in the  
25 file. These included such things as books and videotapes which  
26 plaintiff had lodged in Los Angeles and had returned to it by the  
27 clerk, and evidentiary documents which had been served on Mr.  
28 Greene but never filed. Ms. Bartilson reviewed Mr. Greene's



1 list, and proposed a stipulation to cure the defects. [Id., ¶  
2 13-14 and Exhibits F and G thereto.] When she heard nothing from  
3 Mr. Greene, Ms. Bartilson sent him a second letter reiterating  
4 the need for a stipulation, and giving notice that she intended  
5 to bring this application. [Bartilson Dec., Ex. H.] The letter  
6 was faxed to Mr. Greene at 12 noon on November 14, 1994.  
7 [Bartilson Dec., Ex. I.]

8 Late on November 14, Mr. Greene responded. He insisted that  
9 nearly every document be provided to the Marin Court by plaintiff  
10 in exchange for his stipulation. However, he also insisted that  
11 he would not stipulate to the file's completeness because the  
12 file for a companion case, Church of Scientology International  
13 Armstrong, et al., LASC No. BC 084642, had not been transferred  
14 to Marin at the same time. [Bartilson Dec., Ex. J.]

15 Case No. 084642 was ordered consolidated into the instant  
16 case. It maintains its own case number, and Ms. Bartilson was  
17 informed by the Marin clerk, Ms. Posey, that when it arrives in  
18 Marin, it will not be processed as part of the file of the  
19 instant action, but will be given its own case number.

20 [Bartilson Dec., ¶ 17.] Hence there is no need to deem the file  
21 of this case "incomplete" while the file of another case is  
22 enroute.

23 Further, no prejudice could occur for want of the 084642  
24 file. There is no operative pleading in the case. A Second  
25 Amended Complaint was filed in the instant case, at Judge  
26 Horowitz's order, which combines the allegations from both of the  
27 cases, and forms the only complaint under which plaintiff may  
28



1 proceed.<sup>1</sup>

2 The file in this action has thus been placed into a form  
3 acceptable to the clerk, by plaintiff and at plaintiff's expense.  
4 Defendant and his counsel have delayed its processing for more  
5 than a month, even though this Court ordered the Los Angeles  
6 action consolidated with Marin County Case No. 157680 in  
7 September, 1994. [Bartilson Dec., Ex. M.] Their willful failure  
8 to comply with their stipulation, which has had the effect of  
9 grinding the case to a halt, is a clear example of a "bad-faith  
10 action or tactic" that is "solely intended to cause unnecessary  
11 delay." C.C.P. §128.5. Pursuant to that section, plaintiff is  
12 entitled to recover its costs of bringing this ex parte  
13 application, in the amount of \$400.

14 CONCLUSION

15 Defendant, by his willful delay, has waived any right to  
16 object to the state of the file, if any he had, in the above-  
17 entitled action. Upon the lodging by plaintiff of the documents  
18 listed in Ms. Bartilson's declaration, the clerk should be  
19 ordered to deem the file complete and assign the case a Marin  
20 County number. Further, Armstrong and his lawyer should be

21 ///

22 ///

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25 ordered to pay plaintiff its expenses of \$400 in bringing this

26

---

27 <sup>1</sup> Armstrong is in default on this complaint, which may explain  
28 his desire to delay the processing of the file. [Bartilson Dec.,  
Ex. L.]

1 application.

2 Dated: November 15, 1994

Respectfully submitted,

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Laurie J. Bartilson  
BOWLES & MOXON

Michael Lee Hertzberg  
WILSON, RYAN & CAMPILONGO

By: \_\_\_\_\_  
Linda Fong

Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
INTERNATIONAL



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7 Hollywood, California 90028  
(213) 463-4395

8 Attorneys for Plaintiff  
9 CHURCH OF SCIENTOLOGY INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF MARIN

13	CHURCH OF SCIENTOLOGY	)	LASC No. BC 052395
14	INTERNATIONAL, A California not-	)	[Former Marin County No.
14	for-profit religious corporation;	)	152229, new Marin County
15		)	No. not yet assigned]
16	Plaintiff,	)	DECLARATION OF LAURIE J.
17		)	BARTILSON IN SUPPORT OF
17		)	PLAINTIFF'S EX PARTE
18	v.	)	APPLICATION TO HAVE
18		)	TRANSFERRED FILE DEEMED
19		)	COMPLETE AND ACCEPTED BY
19		)	THE CLERK OF THE COURT AND
20	GERALD ARMSTRONG; et al.,	)	FOR SANCTIONS
21		)	Date: November 15, 1994
21		)	Time: 9:30 a.m.
22	Defendants.	)	Dept: 1
22		)	NO TRIAL DATE

23 DECLARATION OF LAURIE J. BARTILSON

24 I, LAURIE J. BARTILSON, hereby depose and state:

25 1. I am an attorney licensed to practice law in the State  
26 of California. I am a partner in the law firm of Bowles & Moxon  
27 and am counsel of record for plaintiff Church of Scientology  
28



1 International in the above-referenced action. I have personal  
2 knowledge of the matters set forth herein and, if called upon to  
3 do so, could and would competently testify thereto.

4 2. The file in this action was ordered transferred from  
5 Los Angeles to Marin County on September 1, 1994. A true and  
6 correct copy of the order of transfer is attached hereto as  
7 Exhibit A.

8 3. On September 28, 1994, the Clerk of the Los Angeles  
9 Superior Court notified the parties that the file had been  
10 transmitted to Marin. A true and correct copy of this notice is  
11 attached hereto as Exhibit B.

12 4. On or about October 12, 1994, I spoke to Marin County  
13 clerk Betty Posey. Ms. Posey explained that the file in this  
14 action had been received by the Marin Superior Court Clerk's  
15 office, but that the file had arrived in such a disorganized  
16 state that she intended to send it back to Los Angeles. Wanting  
17 to avoid the delay inherent in the file going back to Los  
18 Angeles, and understanding the difficulty faced by both county  
19 clerks' offices in dealing with such a large file, I offered to  
20 provide the Marin County clerk's office with paralegal services  
21 to organize the file, at the expense of the plaintiff.

22 5. Ms. Posey indicated that the offered help would be  
23 accepted, provided that defendant's counsel would agree. She  
24 recommended that paralegals from both sides participate in the  
25 activity of organizing the file, so as to ensure that no charges  
26 of partisanship erupted.

27 6. For more than a week, I tried to obtain a stipulation  
28 from defendant's counsel, Ford Greene, that would permit the file



1 to remain in Marin County. Finally, on October 21, 1994, Mr.  
2 Greene agreed to a stipulation which provided that plaintiff's  
3 counsel would send a paralegal to the Marin County clerk's office  
4 to organize the file, and that, when such organization was  
5 complete, defendant would promptly send someone from his office  
6 to review the file, so that the clerk would be assured that both  
7 sides had participated in the organization process. A true and  
8 correct copy of that stipulation is attached hereto as Exhibit

9 7. In coordination with the Ms. Posey, I sent a paralegal  
10 from my office, Matthew Ward, to Marin County on October 25,  
11 1994. He worked with Marin County clerk personnel to organize  
12 the files on October 25, and completed the task on October 26,  
13 1994.

14 8. By telephone, I promptly notified Mr. Greene that  
15 Ward had completed his work. Mr. Greene stated that he would  
16 send someone to review the file on October 27 or 28.

17 9. On October 31, 1994, I called Ms. Posey, and discovered  
18 that no one had come from Mr. Greene's office to check the file,  
19 although Ms. Posey had also called Mr. Greene and requested that  
20 he send someone. Accordingly, I called Mr. Greene again on  
21 October 31, and Mr. Greene stated that he intended to send  
22 defendant Armstrong, who is Mr. Greene's employee, to review the  
23 file on Tuesday, November 1.

24 10. On November 2, 1994, I again called for Mr. Greene  
25 spoke to Armstrong, who answers Mr. Greene's telephone.  
26 Armstrong stated that he still had not reviewed the file, and  
27 that he was not aware that Mr. Greene had agreed to send him  
28 review the file on November 1. I sent a letter to Mr. Greene



1 demanding that he comply with the stipulation. A true and  
2 correct copy of that letter is attached hereto as Exhibit D.

3 11. Mr. Greene did not respond to my letter until late on  
4 November 3, when he sent a letter indicating that Armstrong was  
5 "busy" and calling my letter "rude." A true and correct copy of  
6 this letter is attached hereto as Exhibit E.

7 12. Armstrong, despite all promises, did not complete his  
8 review of the file until November 7, 1994.

9 13. On November 7, 1994, Mr. Greene sent me a letter which  
10 listed thirteen "flaws" he claimed to have found in the file.  
11 These included such things as books and videotapes which  
12 plaintiff had lodged in Los Angeles and had returned to it by  
13 clerk, and evidentiary documents which had been served on Mr.  
14 Greene but never filed. A true and correct copy of this letter  
15 is attached hereto as Exhibit F.

16 14. I reviewed Mr. Greene's list, and proposed a  
17 stipulation to cure the defects. A true and correct copy of  
18 proposed stipulation is attached hereto as Exhibit G.

19 15. Mr. Greene did not respond to my letter of November  
20 1994. On November 14, 1994, I sent him a second letter, asking  
21 that he agree to the stipulation I had proposed, and giving  
22 notice that I intended to proceed with this ex parte application.  
23 A true and correct copy of my letter is attached hereto as  
24 Exhibit H. The letter was faxed to Mr. Greene at 12 noon. A  
25 true and correct copy of the telefax transmittal sheet is  
26 attached hereto as Exhibit I.

27 16. Mr. Greene responded to my letter on November 14.  
28 insisted that nearly every document be provided to the Marin



1 Court by plaintiff in exchange for his stipulation. However, he  
 2 also insisted that he would not stipulate to the file's  
 3 completeness because the file for a companion case, Church of  
 4 Scientology International v. Armstrong, et al., LASC No. BC  
 5 084642, had not been transferred to Marin at the same time. A  
 6 true and correct copy of his letter to me is attached hereto as  
 7 Exhibit J. I responded to his letter by offering to provide all  
 8 of the documents he still considered necessary to the Marin Clerk  
 9 at plaintiff's expense, in order to end the delay. A true and  
 10 correct copy of my letter to Greene is attached hereto as Exhibit

11 K.

12 17. I have been informed by Ms. Posey that when Case Numl  
 13 BC 084642 arrives in Marin, it will not be processed as part of  
 14 the file of the instant action, but will be given its own case  
 15 number. Hence there is no need to deem the file of this case  
 16 "incomplete" while the file of another case is enroute.

17 18. There is no operative pleading in Case No. BC 084642  
 18 A Second Amended Complaint was filed in the instant case, at  
 19 Judge Horowitz's order, which combines the allegations from both  
 20 of the cases, and forms the only complaint under which plaintiff  
 21 may proceed.

22 19. Armstrong is in default in the instant case because he  
 23 has never filed an answer to the Second Amended Complaint. A  
 24 true and correct copy of the clerk's notification of default is  
 25 attached hereto as Exhibit L.

26 20. In September, 1994, this court ordered the instant  
 27 consolidated with Marin County Case No. 157680. A true and  
 28 correct copy of the order of consolidation is attached heret



1 Exhibit M.

2 21. I have agreed that I will provide the clerk with true  
3 and correct copies of the following documents which defendant  
4 Armstrong has asked be made a part of the file in this action:

- 5 - Exhibits filed at the hearing on Order to Show Cause
- 6 re: Contempt of Gerald Armstrong;
- 7 - Reporter's Transcript of hearing of May 26, 1992;
- 8 - Opposition of Amicus Curiae and Proposed Intervenor
- 9 Joseph A. Yanny to Plaintiff's Ex Parte Application to
- 10 Extend T.R.O. Against Gerald Armstrong;
- 11 - Plaintiff's Status Conference Questionnaire, dated
- 12 November 9, 1992;
- 13 - Armstrong's Memorandum in Sur-Reply on Order to Show
- 14 Cause;
- 15 - Notice of Related Case.

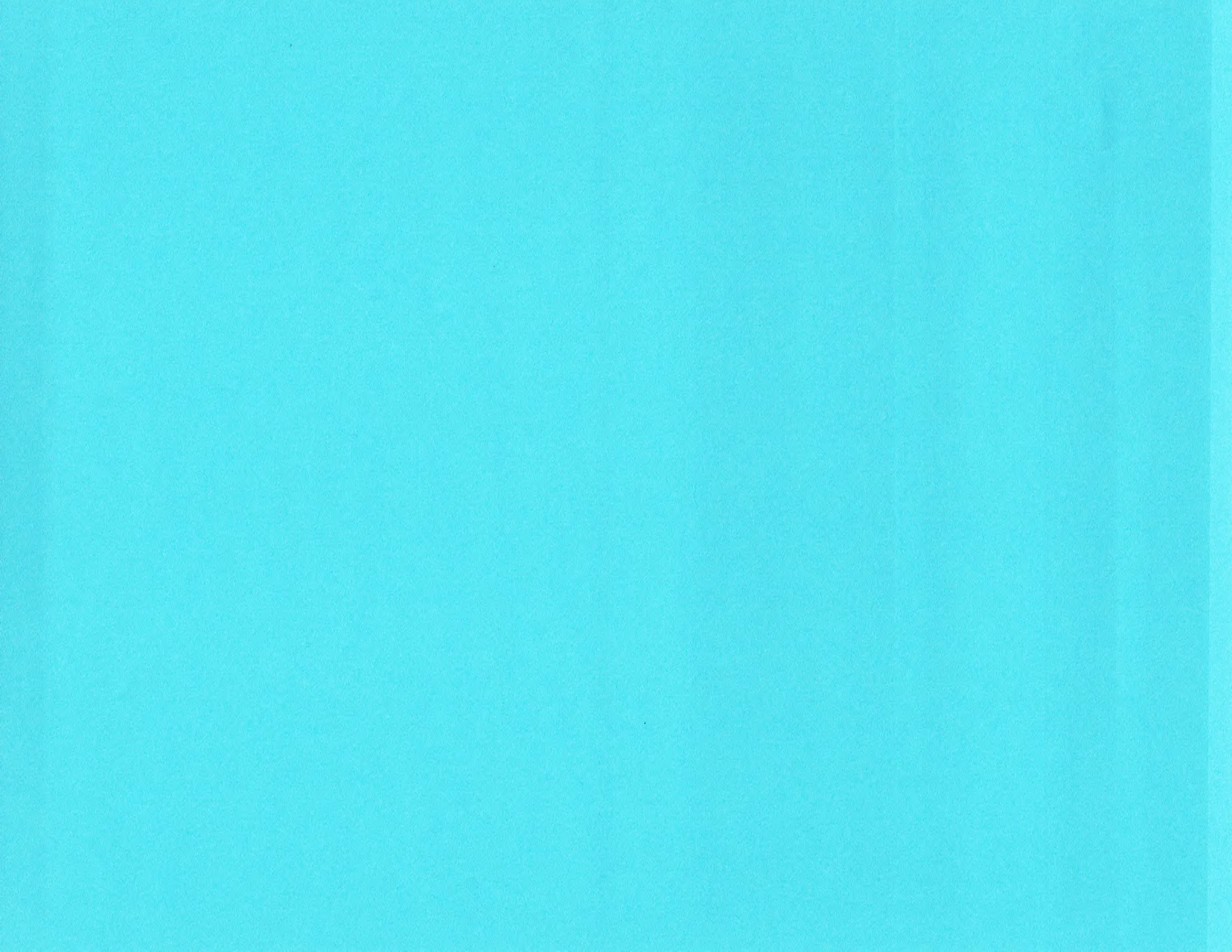
16 22. My normal billing rate is \$200 per hour. I have  
17 expended one hour of my time preparing this declaration and  
18 application, and I anticipate that I or my co-counsel, Linda  
19 Fong, will spend at least an additional hour at the hearing on  
20 this matter.

21 I declare under the penalty of perjury that the foregoing  
22 true and correct.

23 Executed this 14th day of November, 1994 at Los Angeles,  
24 California.

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27 LAURIE J. BARTILSON  
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Attorneys for Plaintiff and  
Cross-Defendant CHURCH OF SCIENTOLOGY  
INTERNATIONAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY  
INTERNATIONAL, a California not-  
for-profit religious corporation,

Plaintiffs,

vs.

GERALD ARMSTRONG; THE GERALD  
ARMSTRONG CORPORATION, a  
California corporation; Does 1 -  
25 INCLUSIVE,

Defendants.

AND RELATED CROSS-COMPLAINT.

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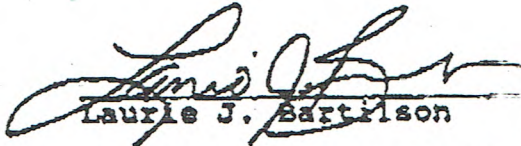
LOS ANGELES  
SUPERIOR COURT

)  
) CASE NO. BC 052395  
)  
) STIPULATION AND ORDER  
) CHANGING VENUE  
)  
) [C.C.P. 5397(e)]  
)  
) Hearing:  
) DATE:  
) TIME: 8:30 A.M.  
) DEPT: 30  
)  
) TRIAL DATE: Nov. 7, 1994  
) DISC. CUTOFF: Oct. 7, 1994  
) MTN CUTOFF: Oct. 21, 1994  
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1 The parties agree that (1) the place of trial of this action  
 2 be changed to the Superior Court of Marin County for the purpose  
 3 of consolidation with the pending case of Church of Scientology  
 4 International v. Gerald Armstrong, et al., Marin County Superior  
 5 Court Case No. 157680; (2) payment of costs and fees of the  
 6 transfer be made by plaintiff Church of Scientology  
 7 International; (3) all orders previously entered in this action  
 8 shall remain in full force and effect before, during and after  
 9 the transfer and the Superior Court of Marin County shall be the  
 10 proper Court for enforcement of those orders; and (4) discovery  
 11 in the case shall continue while the transfer is pending.

12  
 13 Dated: August 18, 1994

  
 Laurie J. Bartilson

Attorney for Plaintiff  
 Church of Scientology  
 International

14  
 15  
 16  
 17 Dated: August 18, 1994

  
 Ford Greene

Attorney for Defendants  
 Gerald Armstrong and the  
 Gerald Armstrong  
 Corporation

22 ORDER

23 The parties having agreed, and good cause appearing,  
 24 IT IS ORDERED THAT:  
 25 1. Church of Scientology International v. Gerald  
 26 Armstrong, et al., Case No. BC 052395, be transferred to the  
 27 Superior Court of Marin County on payment by plaintiff, Church  
 28 Scientology International, of all fees required by law.

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2. The court clerk transmit a certified copy of this order and all the pleadings and papers filed in this action to the clerk of the Superior Court of Marin County forthwith.

3. All orders previously entered in this action shall remain in full force and effect before, during and after the transfer and the Superior Court of Marin County shall be the proper Court for enforcement of those orders; and

4. Discovery in the case shall continue while the transfer is pending.

SEP - 1 1994

David A. Horowitz

Date: \_\_\_\_\_

\_\_\_\_\_  
Superior Court Judge

H:\ARMSTRON\TRANSFER.SIP







-1 Andrew H. Wilson  
 2 WILSON, RYAN & CAMPILONGO  
 3 235 Montgomery Street  
 4 Suite 450  
 5 San Francisco, California 94104  
 6 (415) 391-3900

7 Laurie J. Bartilson  
 8 BOWLES & NOXON  
 9 6255 Sunset Boulevard, Suite 2000  
 10 Hollywood, CA 90028  
 11 (213) 463-4395

12 Attorneys for Plaintiff and  
 13 Cross-Defendant CHURCH OF SCIENTOLOGY  
 14 INTERNATIONAL

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY	)	
18 INTERNATIONAL, a California not-	)	MARIN CASE NO. 157-680
19 for-profit religious corporation;	)	LOS ANGELES CASE NO.
20	)	BC 052395
21 Plaintiff,	)	
22 vs.	)	[CONSOLIDATED]
23	)	STIPULATION
24 GERALD ARMSTRONG; THE GERALD	)	
25 ARMSTRONG CORPORATION, a	)	
26 California corporation; Does 1 -	)	
27 25 INCLUSIVE	)	
28 Defendants.	)	
<hr/>		
29 AND RELATED CROSS-COMPLAINT	)	
<hr/>		


30 It is stipulated by and between plaintiff Church of  
 31 Scientology International and defendants Gerald Armstrong and the  
 32 Gerald Armstrong Corporation, by and through their respective  
 33 attorneys of record, that plaintiff's attorneys, Bowles & Moxon,  
 34 shall send a paralegal to the Marin Superior Court clerk's office  
 35 to assist the clerk in placing in order the file in Case Number  
 36 BC 052 395, recently transferred from Los Angeles to Marin, and



1 prepare the file for use by the Court. It is further stipulated  
 2 that once the Bowles and Moxon paralaegal has completed the task  
 3 of placing the file in order, plaintiff's counsel, Lauria  
 4 Bartilson, will notify defendants' counsel, Ford Greene, and a  
 5 designee from Mr. Greene's office will promptly review the file.  
 6 Mr. Greene will notify Ms. Bartilson as soon as this review is  
 7 complete. The parties further agree to work together to resolve  
 8 any differences that may arise so that the file may be readily  
 9 usable by the Court.

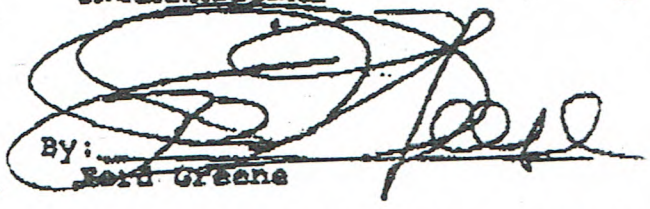
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Dated: October 21, 1994

By:   
 Laurie J. Bartilson

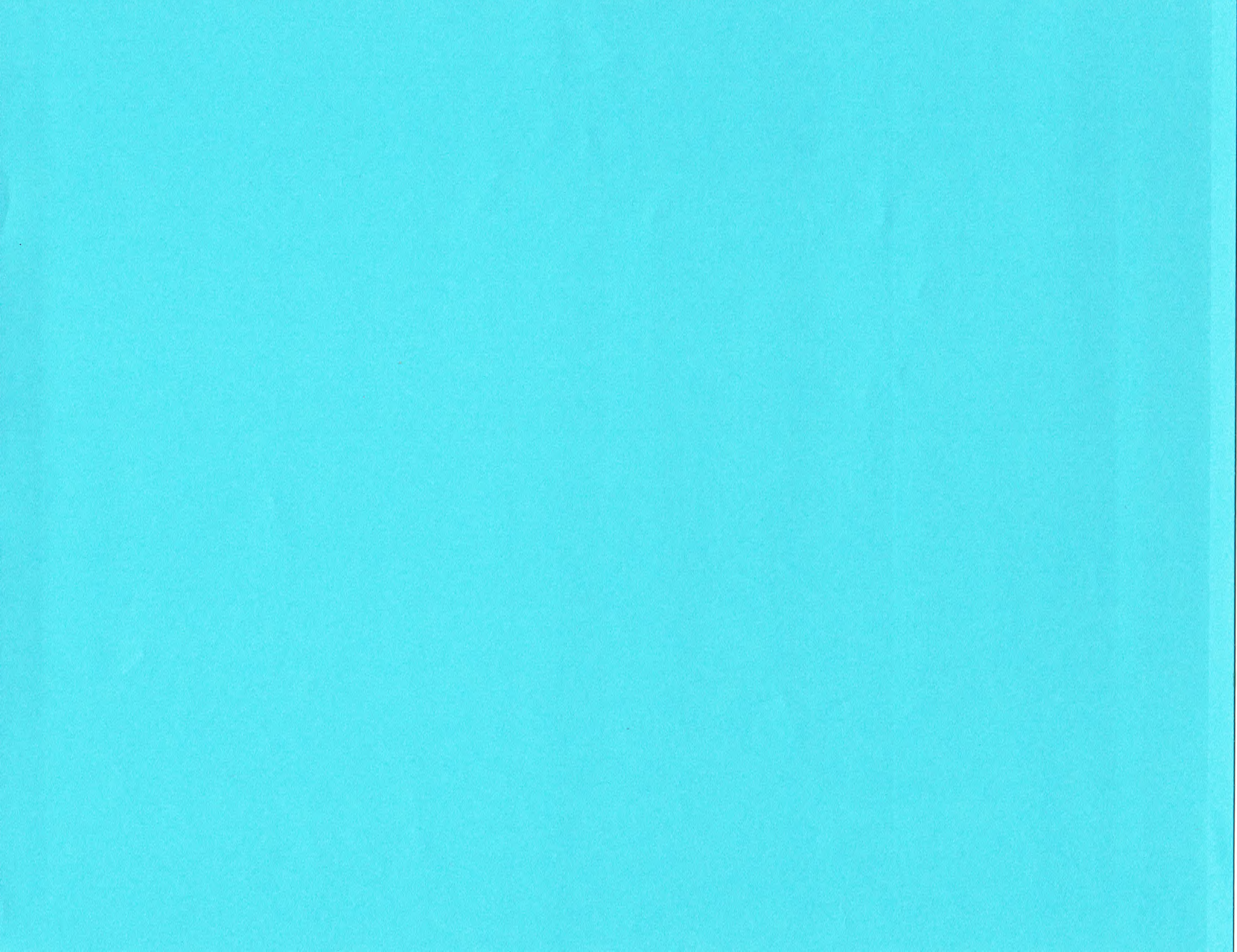
Attorneys for Plaintiff  
 CHURCH OF SCIENTOLOGY  
 INTERNATIONAL

Dated: October 21, 1994

By:   
 Ford Greene

Attorney for Defendants GERALD  
 ARMSTRONG and GERALD ARMSTRONG  
 CORPORATION







**FILED**  
LOS ANGELES SUPERIOR COURT

SEP 28 1994

*D. Swain*  
HUB SWAIN DEPUTY

Los Angeles Superior Court  
Transfer Unit, Room 102  
111 N. Hill Street  
Los Angeles, CA 90012  
(213) 893-0190

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

CHURCH OF SCIENTOLOGY INTERNATIONAL

Plaintiff(s)

vs.

GERALD ARMSTRONG

Defendant(s)

Case Number

BC052395

**NOTICE OF  
OUTGOING TRANSFER**

TO THE ABOVE NAMED PARTIES AND THEIR ATTORNEYS OF RECORD:

BOWLES AND MOXON  
6255 SUNSET BLVD  
STE 2000  
HOLLYWOOD, CA 90028

HUB LAW OFFICES  
711 SIR FRANCIS DRAKE BLVD  
SAN ANSELMO, CA 94960

Pursuant to the provisions of Section 399 Code of Civil Procedure, you are hereby notified that the papers and pleadings in this case have this date been transmitted to SUPERIOR COURT MARIN COUNTY

Dated: September 28, 1994

Edward M. Kritzman, Executive Officer  
Clerk of the Superior Court  
County of Los Angeles

By *D. Swain*, Deputy  
D. SWAIN

**CERTIFICATE OF MAILING**

I am not a party to the within action and over the age of 18 years. I am familiar with the Los Angeles Superior Court practice for collection and processing of correspondence and know that such correspondence is deposited with the United States Postal Service the same day it is delivered to the mail room in the Los Angeles Superior Court. I declare under penalty of perjury under the laws of the state of California that I delivered a true copy of above notice to the attorneys of record and placed the copy in a sealed envelope with postage prepaid to the room of this court.

Dated: September 28, 1994

Edward M. Kritzman, Executive Officer  
Clerk of the Superior Court  
County of Los Angeles

By *D. Swain*, Deputy  
D. SWAIN







**BOWLES & MOXON**  
 ATTORNEYS AT LAW  
 6255 SUNSET BOULEVARD  
 SUITE 2000  
 HOLLYWOOD, CALIFORNIA 90028

AVA MARIE SANDOZ

TIMOTHY BOWLES \*  
 KENDRICK L. MOXON \*  
 LAURIE J. BARTILSON †  
 HELENA E. ROBIN ‡

(213) 463-4395  
 TELECOPIER (213) 953-3351

OF COUNSEL:  
 JEANNE M. GAVIGAN  
 MARCELLO M. DI NOLU  
 LESLIE T.W. SOASH

\* ALSO ADMITTED IN OREGON  
 † ALSO ADMITTED IN THE DISTRICT OF COLUMBIA  
 ‡ ALSO ADMITTED IN MASSACHUSETTS  
 § ALSO ADMITTED IN FLORIDA

November 2, 1994

BY TELEFAX AND U.S. MAIL

Ford Greene, Esq.  
 Hub Law Offices  
 711 Sir Francis Drake Blvd.  
 San Anselmo, California 94960-1949

Re: Church of Scientology International v. Gerald Armstrong

Dear Ford:

I spoke today with the Marin Court clerk, Betty Posey, and with your paralegal, Gerald Armstrong, concerning your review of the file in the above transferred case. As you will recall, we stipulated on October 21 that I would send a paralegal to Marin to place the file in order, and that, upon notification, "a designee from Mr. Greene's office will promptly review the file. Mr. Greene will notify Ms. Bartilson as soon as this review is complete."

On Wednesday, October 26, I informed you that Matt Ward had completed his work on the file. You informed me that you would send someone to review the file on either Thursday, October 27 or Friday, October 28. You did not do so. On Monday, October 31, I spoke to you again. You informed me that you intended to send Mr. Armstrong to review the file on Tuesday, November 1. Today, when I spoke to Mr. Armstrong, he still had not reviewed the file, and insisted that he was not aware that you had agreed to send him to review the file on November 1. He told me that he hoped to go to court to review the file "within the next 24 hours."

Please be advised that in the event that you or someone from your office does not complete your promised file review tomorrow, November 3, that plaintiff will appear ex parte before Judge Thomas on Friday, November 4, at 9:30 a.m., and request an order that the file be deemed complete and accepted by the Marin court



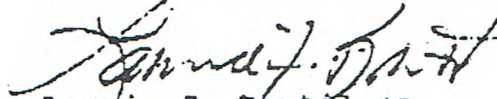
NOV-13-1994 16:08  
F.29  
Ford Greene, Esq.  
November 2, 1994  
Page 2

without your review. At that time, I will also request sanctions for the expenses involved in making the motion, which, given our stipulation, should have been unnecessary.

Please advise me promptly whether you intend to review the file on November 3 or not.

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

LJB:mfh

cc: Andrew H. Wilson, Esq.  
Michael Lee Hertzberg, Esq.  
Paul Morantz, Esq.







FORD GREENE  
LAWYER

HUB LAW OFFICES  
711 SIR FRANCIS DRAKE BOULEVARD  
SAN ANSELMO, CALIFORNIA 94960-1949  
(415) 258-0360

LICENSE No 107601  
FACSIMILE (415) 458-5315

November 3, 1994

Laurie J. Bartilson  
BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, CA 90028

By Telecopier  
213-953-3351

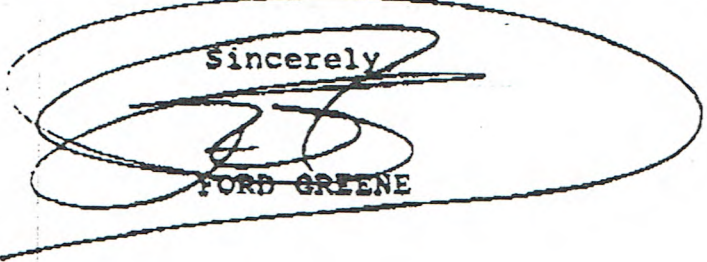
RE: *Scientology v. Armstrong*  
Marin County Superior Court  
Case No. 157 680

Dear Laurie:

I resent the tone of your letter dated November 2, 1994 regarding the file that was shipped from Los Angeles. First, my client and I did not have to stipulate to Matt Ward's assistance in putting the file in order, in the absence of which it would have been returned to Los Angeles. We entered such stipulation in order to accommodate your desire that there not be unnecessary delay. In light of this, the rude tone of your letter and lack of reciprocity is offensive, as are your threats.

Mr. Armstrong has been busy completing other matters and has not been able, until today, to conduct his review. Over the last several months, I have endeavored to work with you in a spirit of cooperation. The tone of your letter undermines that.

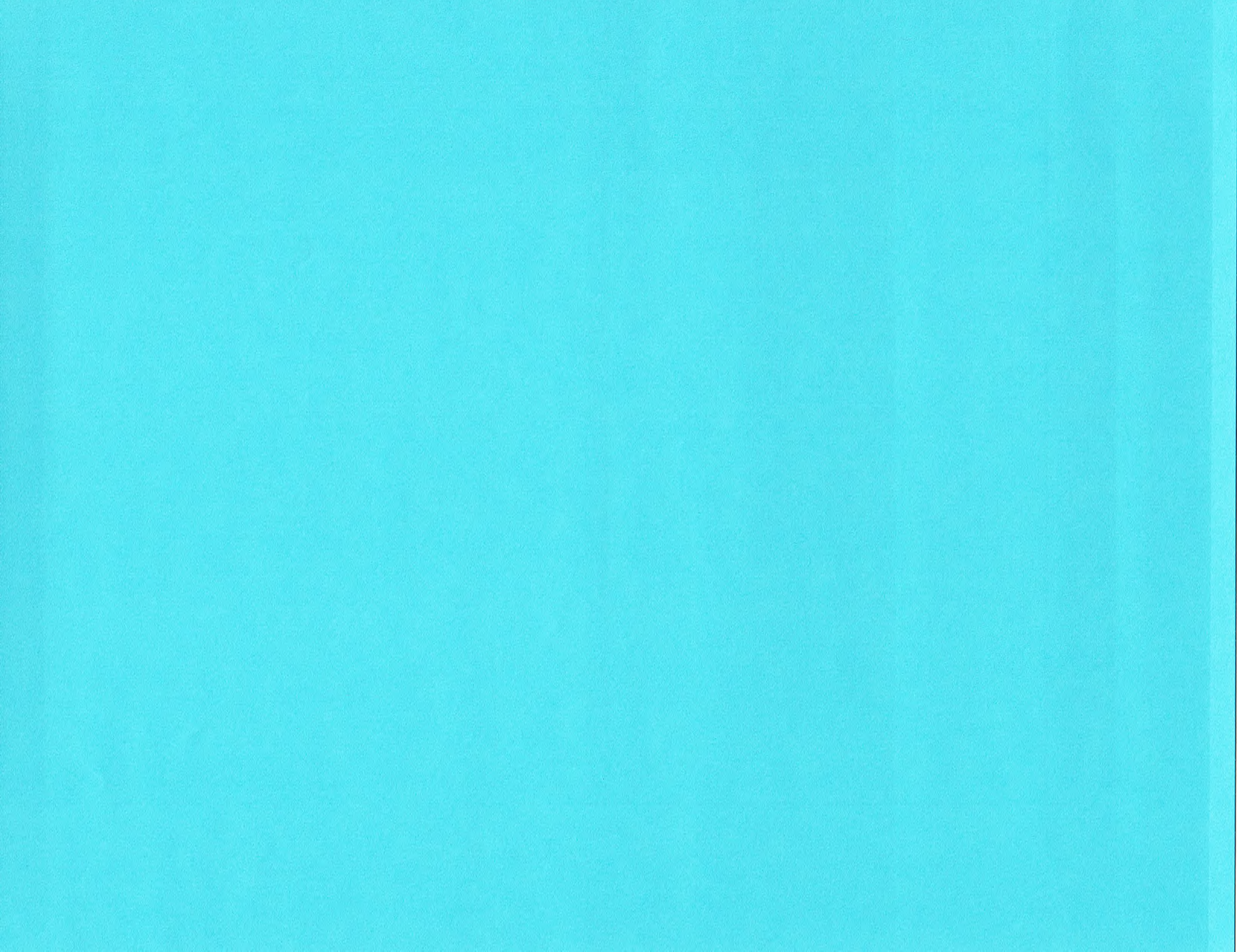
Sincerely



FORD GREENE

:acg







November 7, 1994

Laurie J. Bartilson  
BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, California 90028

By Telecopier  
213.953.3351

RE: Church of Scientology International v. Armstrong  
Los Angeles Superior Court  
Case No. BC 052 395

---

Dear Laurie:

Our review of the file shows that the following documents in the above referenced case have not been transferred from Los Angeles to the County of Marin:

1. All of Armstrong III;
2. All videotapes and books lodged by Scientology with clerk in LA;
3. All exhibits from 7/28/94 Judge Wayne hearing on OSC re contempt;
4. Reporter's Transcripts of Proceedings (all hearings except 3/3/92 Judge Dufficy hearing re TRO);
5. Opposition of Amicus Curiae and Proposed Intervenor Joseph A. Yanny to Plaintiff's Ex Parte Application to Extend T.R.O. Against Gerald Armstrong filed ±5/4/92;
6. (Plaintiff's) Status Conference Questionnaire (Status Conference 11/9/92), filed ± 11/2/92;
7. Plaintiff's Exhibits 1-10 for Hearing on Order to Show Cause Why Gerald Armstrong Should Not Be Held in Contempt, filed ± 3/2/93;
8. (Plaintiff's) Request for Judicial Notice of Documents Previously Filed in Church of Scientology International vs. Armstrong; and Declaration of Laurie J. Bartilson, filed ± 3/2/93;



Laurie J. Bartilson  
November 7, 1994  
Page 2.

By Telecopier

9. (Plaintiff's) Request for Judicial Notice of Documents; Declaration of Laurie J. Bartilson, filed ± 3/2/93;
10. Defendant Armstrong's Memorandum in Sur-Reply on Order to Show Cause Re Contempt, filed 3/3/94
11. (Plaintiff's) Notice of Related Case (BC 084642 and BC 052395), filed ± 8/6/93
12. Bartilson Letter to Judge Diane Wayne re OSC re Contempt dated 7/19/94;
13. The documents already noted as missing by Matt Ward.

Finally there remains the matter of the transfer of the \$70,000 bond which the LA clerk is supposed to send to the Marin clerk.

Until these matters are included in the file, we will not deem that the file is complete. Please advise me how you want to approach making the file complete.

Sincerely,



FORD GREENE

:acg

cc: Betty Posey, Deputy Clerk MCSC







**BOWLES & MOXON**  
**ATTORNEYS AT LAW**  
 6255 SUNSET BOULEVARD  
 SUITE 2000  
 HOLLYWOOD, CALIFORNIA 90028

AVA MARIE SANDLIN

(213) 463-4395  
 TELECOPIER (213) 953-3351

TIMOTHY BOWLES \*  
 KENDRICK L. MOXON †  
 LAURIE J. BARTILSON ‡  
 MELINA K. KOBRIN §

\* ALSO ADMITTED IN OREGON  
 † ALSO ADMITTED IN THE DISTRICT OF COLUMBIA  
 ‡ ALSO ADMITTED IN MASSACHUSETTS  
 § ALSO ADMITTED IN FLORIDA

OF COUNSEL  
 JEANNE M. GAVIGAN  
 MARCELLO M. DI MAURO  
 LESLIE T.W. SOASH

November 8, 1994

BY TELEFAX AND U.S. MAIL

Ford Greene, Esq.  
 Hub Law Offices  
 711 Sir Francis Drake Blvd.  
 San Anselmo, California 94960-1949

Re: Church of Scientology International v. Gerald Armstrong

Dear Ford:

Thank you for your letter of November 7 concerning the Marin files. I think that we should be able to cooperatively resolve each of the issues that you raise. Here are my suggestions:

1. If what you refer to as "Armstrong III" is Los Angeles Case Number BC 084642, I have been informed by the clerk that this case is being transferred separately, and will be given a separate case number when it arrives in Marin County. I will undertake to make certain that the Los Angeles clerk sends the file, and will post the requisite fees.

2. Videotapes and books: those items lodged with the court were lodged at the court's request, and returned to me after each hearing. It is not the policy in Los Angeles Superior Court to file these oversized particles, but to lodge and return them. I would be happy to re-lodge them in Marin, but I am certain that the clerk there would prefer that I do so only in the event that such a document is referenced in a matter that is actually before the court. If you would like me to lodge any particular videotape or book, please let me know.



Ford Greene, Esq.  
November 8, 1994  
Page 2

3. OSC exhibits: None of these appear on the Los Angeles Court docket, and none appear to have been retained by that court. If they are not a part of the Los Angeles court files, they cannot be transferred to Marin.

4. Reporter's Transcripts: These are not routinely part of the court's file, but must be privately ordered from the court reporter. They were not part of the Los Angeles file.

5. Yanny Opposition: This was the only document which Matt noted as missing from the file. I am willing to waive its appearance in the file; I suggest that if you feel differently, you provide a copy to the clerk, since it is a document filed on your client's behalf.

6. Plaintiff's Status Conference Questionnaire: This did not appear on the Los Angeles docket. I will provide a copy to the Marin County clerk.

7. - 9. Plaintiff's Exhibits 1-10 for Hearing on OSC, and Requests for Judicial Notice: These documents were served on you prior to the hearing that was scheduled before Judge Wayne in March of 1993. The hearing did not take place, and the documents were never filed. They are not a part of the court file in Los Angeles, and should not be part of the court file in Marin.

10. Armstrong's Sur-Reply: Matt says that this document is in the Marin file. You have it listed by the wrong date. If you wish to file another copy of it, we have no objection.

11. Plaintiff's Notice of Related Case: This would be part of the file of the later-filed case, Number BC 084642, which is not yet transferred.

12. Letter to Judge Wayne: The judges of the Los Angeles Superior Court normally do not docket correspondence. It is not in the Los Angeles file, and need not appear in the Marin file.

13. Documents noted missing by Matt: Matt noticed only 1 and 5, above, other than orders continuing the hearing on the Order to Show Cause, which I will supply to the court.

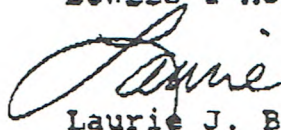


Ford Greene, Esq.  
November 8, 1994  
Page 3

I propose that we provide the clerk with copies of the documents noted above as necessary immediately, and stipulate that the file for this case is thereafter complete. The file of Case Number BC 084642 will have to be handled as a separate case file. It should be much simpler for all concerned, since it is a small case file. If you agree, please sign below and return your signature to me by fax.

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

SO STIPULATED:

---

Ford Greene, Esq.  
Attorney for Defendants  
GERALD ARMSTRONG and  
GERALD ARMSTRONG CORPORATION

LJB:aeu

cc: Andrew H. Wilson, Esq.  
Michael Lee Hertzberg, Esq.  
Paul Morantz, Esq.







**BOWLES & MOXON**  
ATTORNEYS AT LAW  
6255 SUNSET BOULEVARD  
SUITE 2000  
HOLLYWOOD, CALIFORNIA 90028

(213) 463-4395  
TELECOPIER (213) 953-3351

\* ALSO ADMITTED IN OREGON  
† ALSO ADMITTED IN THE DISTRICT OF COLUMBIA  
‡ ALSO ADMITTED IN MASSACHUSETTS  
§ ALSO ADMITTED IN FLORIDA

TIMOTHY BOWLES \*  
KENDRICK L. MOXON †  
LAURIE J. BARTILSON ‡  
MELENA K. KOBRIN §

November 14, 1994

**BY TELEFAX AND U.S. MAIL**

Ford Greene, Esq.  
Hub Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, California 94960-1949

Re: Church of Scientology International v. Gerald Armstrong

Dear Ford:

On November 8, I wrote to you concerning the file that had been transferred in the above-entitled case from Los Angeles to Marin County. In my letter, I proposed solutions to each of the items that you claimed were missing from the file. As you know, most of the items were items that are not normally kept as part of the court's file in either county. I suggested that we enter into a stipulation as to the two or three items that were, in fact, missing from the file, and that either you or I supply those items to the court so that the file could be deemed complete. A copy of my letter and proposed stipulation is attached. I have heard nothing from you in response, and you have not returned any of my calls.

Please be advised that if I am not able to obtain your agreement today on a stipulation which will complete the file in Marin County, I will move ex parte tomorrow, in Department 1 of the Marin County Superior Court at 9:30 a.m. for an order deeming

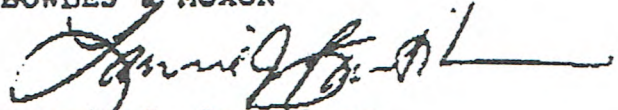


Ford Greene, Esq.  
November 14, 1994  
Page 2

the file to be complete, and assigning it a case number consistent with Judge Thomas's earlier order of consolidation.

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

LJB:aeu

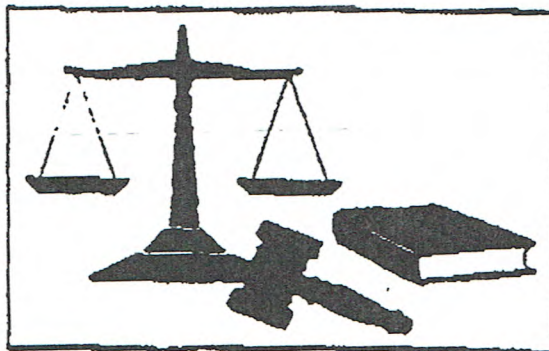
cc: Andrew H. Wilson, Esq.	BY TELEFAX
Michael Lee Hertzberg, Esq.	BY TELEFAX
Paul Morantz, Esq.	BY TELEFAX
Betty Posey, Marin Superior Court Clerk	BY TELEFAX







DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
20	11/14 12:00	4154565318	EC--S	01'07"	003	134	OK



**FAX COVERSHEET**

DATE: 14 Nov 94 TIME: \_\_\_\_\_

TO: Ford Greene FAX NO: \_\_\_\_\_

FROM: Laurie Bartilom

COMMENTS: \_\_\_\_\_

There are 3 pages to this transmission, including this page.

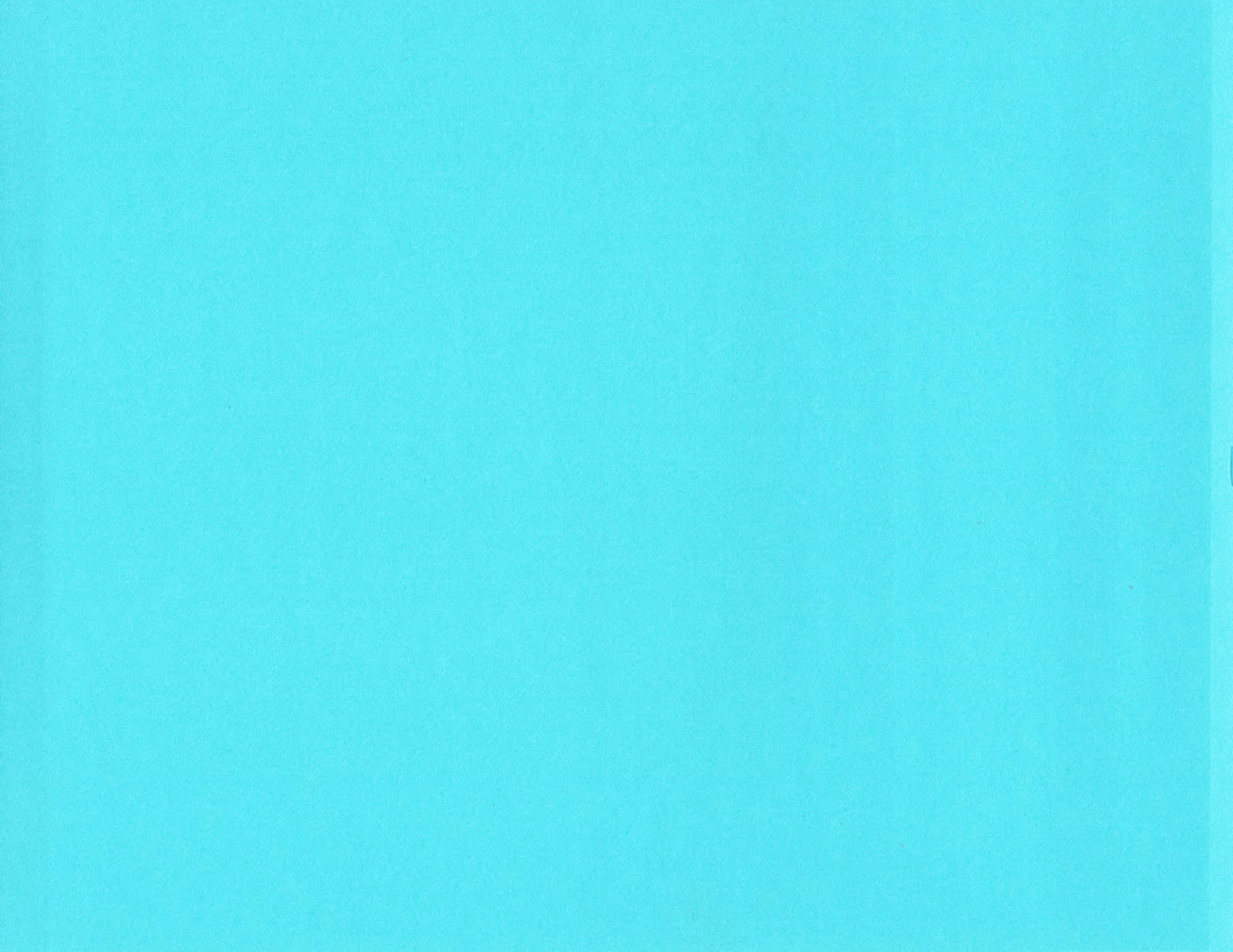
**CONFIDENTIALITY NOTICE**

The documents accompanying this transmission contain confidential information belonging to the sender which is privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient named above, you are hereby notified that any disclosure, copying, distribution or the taking of any action based on the contents of the accompanying documents is prohibited. If you have received this transmission in error, please notify the sender immediately by telephone to arrange for the return of the documents.

**THIS FACSIMILE TRANSMISSION. IT WAS :**  
**WELL RECEIVED:** \_\_\_\_\_  
**PAGES WERE GARBLED, PLEASE RESEND PAGES:** \_\_\_\_\_

Thank You.







Pass Greene  
Lawyer

HUB LAW OFFICES  
511 SIX FRANCIS DRIVE BOULEVARD  
SAN ANSELMO, CALIFORNIA 94960-1949  
(415) 888-8340

LETTER No. 107001  
FACSIMILE (415) 458-3338

November 14, 1994

Laurie J. Bartilson  
BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, California 90028

By Telescriber  
213.953.3351

RE: Church of Scientology International v. Armstrong  
Los Angeles Superior Court  
Case No. SC 032 388

Dear Laurie:

I will not stipulate to making an order making into two separate cases what is a single case, particularly when, as you know, Judge Morowitz ordered the two cases consolidated, sub sponte.

Thus, my response to your 13 points in your November 8th letter is as follows:

1. This is unacceptable. Judge Morowitz ordered these two cases consolidated on October 6, 1993.
2. This is fine. There is no need for re-lodging.
3. This material is a serious part of the record and must be found. I will stipulate to nothing unless the exhibits that you employed in an effort to have my client jailed for contempt are found, or, in the alternative, you stipulate that said exhibits are replaced.
4. The transcript of oral argument before Judge Schigian on May 26, 1992 was part of the record below. I will stipulate to nothing unless this is made part of the record, as it was.
5. You must expressly stipulate to the inclusion of this in the file and provide it to the court because you stipulated that you would pay all costs of the transfer.
6. Agreed.
7. Agreed.



Laurie J. Bartilson  
November 14, 1994  
Page 2.

By Teletypewriter

8. Agreed.
9. Agreed.
10. You must expressly stipulate to the inclusion of this in the file.
11. This is part of the consolidated file and must be included.
12. Agreed.
13. Agreed.

You fail to address the matter of the bond.

I called you at Mr. Wilson's request to sort these things out, however, you were not available. Please be advised that I will seek sanctions for your forcing me to make an unnecessary appearance tomorrow and also because your notice was not timely served.

Sincerely,

FOND GREENE

tsqg

cc: Andrew M. Wilson (by fax)  
Michael L. Hertzberg  
Michael Walton







**BOWLES & MOXON**  
ATTORNEYS AT LAW  
6255 SUNSET BOULEVARD  
SUITE 2000  
HOLLYWOOD, CALIFORNIA 90028

TIMOTHY BOWLES \*  
KENDRICK L. MOXON \*  
LAUREE J. BARTILSON †  
HELENA K. ROBRIN ‡

(213) 463-4395  
TELECOPIER (213) 953-3351

\* ALSO ADMITTED IN OREGON  
\* ALSO ADMITTED IN THE DISTRICT OF  
COLUMBIA  
† ALSO ADMITTED IN MASSACHUSETTS  
‡ ALSO ADMITTED IN FLORIDA

November 14, 1994

**BY TELEFAX AND U.S. MAIL**

Ford Greene, Esq.  
Hub Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, California 94960-1949

Re: Church of Scientology International v. Gerald Armstrong

Dear Ford:

Thank you for your letter of this date. I believe that, now that you have chosen to respond, we can resolve most of the issues that you have raised.

Although I disagree that most of the items noted in your letters of November 8 and November 14 are or should be a part of the record in this case, I will lodge with the Marin clerk true copies of documents described in your numbers 3, 4, 5, 6, 10 and 11, and inform her that we believe that they are missing from the file, and should be included therein.

As for the records from the other Los Angeles action, Number BC 084642, the Marin clerk has informed me that they will not hold this file unprocessed while waiting for those documents, even though the cases are consolidated. In their view the cases are two separate case files, and we are required to pay two sets of fees for their processing. Since the complaints in the two cases are now joined in the Second Amended Complaint in the action that has been sent to Marin, Number BC 052395, and this is the only operative pleading in either case, I cannot imagine any prejudice resulting from completing the processing of the case file now in Marin while the other is enroute. You can file any documents from that file which you believe are necessary for consideration of your position as exhibits with any motion, as can I.

As for the bond, I was informed last month by the Los Angeles Superior Court accounting department that they had



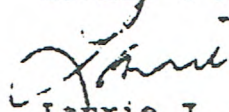
Ford Greene, Esq.  
November 14, 1994  
Page 2

inexplicably not received the transfer order. I furnished them a copy of the order, and the bond is now being transferred to Marin. Since the money is the Church's, and was posted to support an injunction that has already been upheld on appeal, you can rest assured that I will keep accurate track of where it is and what interest it is accruing, against the day when it is returned.

Since you have stated that you will not stipulate to the completeness of the file even if I supply every document that you have arbitrarily decreed "should be" a part of the file, because the transfer of Case Number BC 089642 is still pending, I will appear ex parte tomorrow, as noticed, to seek an order deeming the file complete. Timely notice of the ex parte was faxed to your office this morning. I will also seek sanctions against you and Mr. Armstrong for your deliberate delay.

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

LJB:aeu

cc: Andrew H. Wilson, Esq. BY TELEFAX  
Michael Lee Hertzberg, Esq. BY TELEFAX  
Paul Morantz, Esq. BY TELEFAX  
Betty Posey, Marin Superior Court Clerk







DUWILE & MCAUGH  
6255 Sunset Blvd., Ste. 2000  
Hollywood, CA 90028

Plaintiff: Church of Scientology Int'l

**FILED**

AUG - 9 1994

Superior Court of California  
County of Los Angeles Central District

PLAINTIFF Church of Scientology International

DEFENDANT: Gerald Armstrong; The Gerald Armstrong Corporation

*Handwritten signature/initials*

REQUEST FOR  ENTRY OF DEFAULT  CLERK'S JUDGMENT  
 COURT JUDGMENT

CASE NUMBER: BC 052395

1. TO THE CLERK: On the ~~certified~~ verified Second Amended Complaint

- a. on (date): April 5, 1994
- b. by (name): Church of Scientology International
- c.  Enter default of defendant (name(s)):

Gerald Armstrong and The Gerald Armstrong Corporation

- d.  I request a court judgment under CCP 585(b), (c), 909, etc. (Testimony required. Apply to the clerk for hearing date. The court will enter a judgment on an affidavit under CCP 585(d).)
- e.  Enter clerk's judgment
  - (1)  for restitution of the premises only and issue a writ of execution on the judgment apply. (CCP 1159)
  - (2)  under CCP 585(a). (Complete the declaration under CCP 585.6 on the reverse.)
  - (3)  for default previously entered on (date):

	Amount	Credits Acknowledged
a. Demand of complaint	0	0
b. Statement of damages (CCP 425.71) (superior court only)*		
(1) Special	0	0
(2) General	0	0
c. Interest	0	0
d. Costs (see reverse)	0	0
e. Attorney fees	0	0
f. TOTALS	0	0

DEPT. OF CLERK  
 ROOM 100  
 AUG 11 1994  
 LOS ANGELES SUPERIOR COURT  
 CLERK'S OFFICE

g. Daily damages were demanded in complaint at the rate of: \$ per day beginning (date):  
Date: August 9, 1994

Laurie J. Bartilson  
(Type or print name)

*Signature of Plaintiff or Attorney for Plaintiff*  
EDWARD M. KRITZMAN, CLERK

\*Personal injury or wrongful death actions only.

FOR COURT USE ONLY

(1)  Default entered as requested on (date) AUG - 9 1994

(2)  Default NOT entered as requested (state reason):

By: *Handwritten signature*

(Continued on reverse)



3. This action

- a.  is  is not on a contract or installment sale for goods or services subject to CC 1801, etc. (Unruh Act).
- b.  is  is not on a conditional sales contract subject to CC 2981, etc. (Rees-Levering Motor Vehicle Sales and Finance Act).
- c.  is  is not on an obligation for goods, services, loans, or extensions of credit subject to CCP 396(b).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....  
(TYPE OR PRINT NAME OF DECLARANT)

.....  
(SIGNATURE OF DECLARANT)

DECLARATION OF MAILING (CCP 587)

4. A copy of the foregoing request was

- a.  not mailed to the following defendants whose addresses are unknown to plaintiff or plaintiff's attorney (name):
- b.  mailed first-class, postage prepaid, in a sealed envelope to each defendant's attorney of record, or if none, to each defendant at defendant's last known address

(1) on file(s): (2) to (specify names and addresses shown on the envelopes):

Ford Greene, Esq.  
HUB Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, CA 94960-1949

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 9, 1994

.....  
Laurie J. Bartilson  
(TYPE OR PRINT NAME)

.....  
*Laurie J. Bartilson*  
(SIGNATURE OF DECLARANT)

MEMORANDUM OF COSTS (Required if judgment requested)

5. Costs and disbursements are as follows (CCP 1033.5):

- a. Clerk's filing fees ..... 0
- b. Process server's fees ..... 0
- c. Other (specify): ..... 0
- d. .... 0
- e. TOTAL ..... 0

f.  Costs and disbursements are waived.

I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....  
(TYPE OR PRINT NAME)

.....  
(SIGNATURE OF DECLARANT)

DECLARATION OF NONMILITARY STATUS

6. No defendant named above in item 1c is in the military service so as to be entitled to the benefits of the Soldiers' and Civil Relief Act of 1940 (50 U.S.C. Appen. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....  
(TYPE OR PRINT NAME)

.....  
(SIGNATURE OF DECLARANT)



PROOF OF SERVICE

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On August 9, 1994, I served the foregoing document described as REQUEST FOR ENTRY OF DEFAULT on interested parties in this action.

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list:

[X] by placing [ ] the original [X] true copies thereof in sealed envelopes addressed as follows:

Paul Morantz  
P.O. Box 511  
Pacific Palisades, CA 90272

Ford Greene  
HUB Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, CA 94960-1949

Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO  
235 Montgomery Street  
Suite 450  
San Francisco, California 94104

Michael L. Hertzberg  
740 Broadway, 5th Floor,  
New York, New York 10003

[X] BY MAIL

[ ] \*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it



would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on August 9, 1994, at Los Angeles, California.

[ ] \*\* (BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

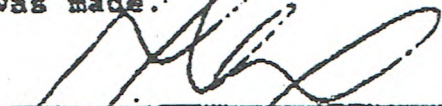
Executed on \_\_\_\_\_, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[ ] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

KENNETH W. WILSON

Print or Type Name



Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)







**FILED**

**SEP 07 1994**

HONORABLE JUDGE  
**MARIN COUNTY CLERK**  
BY: E. Kerwick DeRita

1 Andrew H. Wilson, SBN # 063209  
2 WILSON, RYAN & CAMPILONGO  
3 235 Montgomery Street  
4 Suite 450  
5 San Francisco, California 94104  
6 (415) 391-3900  
7 Telefax: (415) 954-0938

8 Laurie J. Bartilson, SBN # 139220  
9 BOWLES & NOXON  
10 6255 Sunset Boulevard, Suite 2000  
11 Hollywood, CA 90028  
12 (213) 463-4395  
13 Telefax: (213) 953-3351

14 Attorneys for Plaintiff and  
15 Cross-Defendant CHURCH OF SCIENTOLOGY  
16 INTERNATIONAL

17 Ford Greene  
18 HUB LAW OFFICES  
19 711 Sir Francis Drake Blvd.  
20 San Anselmo, CA 94960  
21 (415) 258-0360  
22 Telefax: (415) 456-5318

23 Attorneys for Defendants  
24 GERALD ARMSTRONG and  
25 GERALD ARMSTRONG CORPORATION

26 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
27 FOR THE COUNTY OF MARIN

28 CHURCH OF SCIENTOLOGY )  
29 INTERNATIONAL, a California not- )  
30 for-profit religious corporation, )  
31 Plaintiffs, )

32 vs. )

33 GERALD ARMSTRONG, MICHAEL WALTON, )  
34 et al., )  
35 Defendants. )

36 GERALD ARMSTRONG, )  
37 Cross-Complainant, )

38 vs. )

39 CHURCH OF SCIENTOLOGY )  
40 INTERNATIONAL, a California )

) CASE NO. 157 680  
)  
) ORDER Re: JOINT  
) APPLICATION FOR  
) CONSOLIDATION

) DATE: September 7, 1994  
) TIME: 9:30 a.m.  
) DEPT: 1

) TRIAL DATE:



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1 CORPORATION, DAVID NISCAYGE,  
 DOES 1 to 100,  
 Cross-Defendant.

---

2 IT IS HEREBY ORDERED that plaintiff Church of Scientology  
 International, and defendant Gerald Armstrong, a joint  
 application for consolidation is set for hearing on  
 September 23 at 9:00 a.m.

3 DATED: September 23, 1994  
 GARY W. THOMAS  
 Hon. Gary W. Thomas

10 Moving papers to be filed September 12.  
 11 Opposition papers by September 16. Reply  
 12 by September 20.



PROOF OF SERVICE

I declare that I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action. My business address is 235 Montgomery Street, Suite 450, San Francisco, California.

I am readily familiar with Wilson, Ryan & Campilongo's practice for collection and processing of correspondence for mailing with the United States Postal Service.

On September 7, 1994, I served the attached ORDER RE: JOINT APPLICATION FOR CONSOLIDATION and JOINT APPLICATION FOR CONSOLIDATION, on the following in said cause, by placing for deposit with the United States Postal Service on this day in the ordinary course of business, true copies thereof enclosed in sealed envelopes. The envelopes were addressed as follows:

Ford Greene, Esq.  
711 Sir Francis Drake Blvd.  
San Anselmo, California

Michael Walton  
707 Fawn Dr.  
San Anselmo, CA 94960

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California on September 7, 1994.

*Colleen Y. Palmer*  
COLLEEN Y. PALMER

WILSON, RYAN & CAMPILONGO  
235 Montgomery Street, Suite 450  
San Francisco, California 94104



# WILSON, RYAN & CAMPILONGO

ANDREW H. WILSON  
 STEPHEN C. RYAN  
 CHRISTOPHER B. TIGNO  
 ANNE R. WOODS  
 LINDA M. FONG  
 SHAUNA T. RAJKOWSKI  
 EDWARD S. ZUSMAN  
 IAIN-BREAC MACLEOD

A PROFESSIONAL LAW CORPORATION  
 235 MONTGOMERY STREET, SUITE 450  
 SAN FRANCISCO, CALIFORNIA 94104  
 (415) 391-3900  
 TELECOPY (415) 954-0938

OF COUNSEL  
 LISA F. CAMPILONGO  
 EDWARD L. BLUM

CERTIFIED TAXATION SPECIALIST  
 THE STATE BAR OF CALIFORNIA  
 BOARD OF LEGAL SPECIALIZATION

## TELECOPY COVER LETTER

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TO: Ford Greene DATE: 11-15-94

FAX NUMBER: 456-5318

FROM: Linda Fong

SENT BY: \_\_\_\_\_

NOTE: It's Ex Parte Application

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Our File Number: \_\_\_\_\_

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